

REMARKS

The office action has been carefully considered together with the prior art that has been cited and applied and amendments have been made to claims 32, 34, 38 and 42 in an effort to more accurately define the present invention and to emphasize pre-existing differences between the prior art and the invention as claimed. With these amendments, it is now believed that the previously rejected claims are now in condition for allowance.

Claims 32-42 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reason that the examiner believed the use of the phrase “a recess” in claims 32 and 42 rendered them indefinite. The recitation “a recess” has now been replaced by “one of said position recesses,” which has clear antecedent basis. The examiner also rejected claims 34 and 38 as being indefinite because of the language that the bevel angle adjustment detent mechanism includes a detent holding assembly carrying a bevel angle detent. The detent holding assembly has been deleted from the claim, and it is now believed that these claims as amended comply with § 112 and it is respectfully requested that this rejection be withdrawn.

The examiner has rejected claim 32 under 35 U.S.C. 102(b) as being anticipated by Clowers. It is respectfully submitted that Clowers fails to anticipate, teach or suggest the circular saw as claimed in claim 32 for the reason that it does not have or suggest “a saw blade adjustment detent mechanism pivotally interconnecting said foot to said housing such that the circular saw blade is adjustable to said foot through a range of saw blade positions relative to said foot, said saw blade adjustment detent mechanism including a

detent holding assembly carrying a pivotable saw blade adjustment detent with a pivot axis at one end portion, a transverse ridge spaced from said pivot axis and a spring for biasing said detent into engagement with a recess . . . said detent being disengaged from one of said position recesses responsive to a releasing force being applied to said foot.”

While the examiner attempts to apply the language of a previous version of a claim other than claim 32, (but similar in many respects), it is believed that the examiner significantly distorts the disclosure and teachings of Clowers in this attempt. Clowers simply does not have a pivotable saw blade adjustment detent with a pivot axis on one end portion, a transverse ridge spaced from said pivot axis and a spring for biasing said detent into engagement with a recess.

The examiner attempts to read the Clowers’ stop plate 80 as being such a detent, but Clowers’ stop plate 80 does *not* have a pivot axis. It has an elongated slot 82 in which a clasp locking mechanism 86 travels in. The examiner attempts to equate the Clowers ear 84 to a transverse ridge, but it is clear that the ear 84 is *not* a ridge, but a square piece having an end surface that engages the tabs 58.

Clowers clearly teaches locking down the stop plate 80 with the rotatable clasp 86 which is shown in FIG. 10 and includes a knob 88 and a locking stem 89. The specification at col. 4, lines 22-29 that knob 88 is rotated to secure the locking stem against the stop plate to fix the plate in a desired position. This is markedly different from the claimed operation, particularly the last few lines of claim 32 where it states that “said detent being disengaged from one of said position recesses responsive to a releasing force being

applied to said foot.

Applicants specification describes the claimed operation at page 5, lines 19-29

with regard to the depth of cut adjustment:

The portable circular saw 10 of the present invention includes a rectangular-shaped foot 18 (see FIG. 3) which is used to guide the circular saw during use. The foot 18 is a generally flat plate configured and arranged beneath the housing 16 to be pivoted relative to the saw blade 12 and the housing. A saw blade depth adjustment detent mechanism, generally designated at 26, engages a saw blade depth of cut bracket 28. The bracket 28 is connected to the foot 18 and positioned between the handle 22 and the upper blade guard 20. *An advantage of the present saw blade depth adjustment detent mechanism 26 is that a user may selectively adjust the depth of cut of the circular saw 10 without having to forcibly manipulate a clamp or other mechanism to lock the saw blade 12 in position.* Moreover, various saw blade depths may be selected for nominal lumber thickness values.

There is nothing described in Clowers that teaches or suggests this claimed operation. This argument equally applies to claim 42 and it is therefore believed that this rejection is traversed.

The examiner has also rejected claims 32-35 under 35 U.S.C. 103 as being unpatentable over Lewin in view of Clowers. The examiner states that Lewin discloses the invention substantially as claimed *except for* the detent holding assembly carrying a

pivotable saw blade adjustment detent with a pivot axis on one end portion and a transverse ridge and a plurality of spaced position recesses, each matingly and releasably engageable with said transverse ridge.

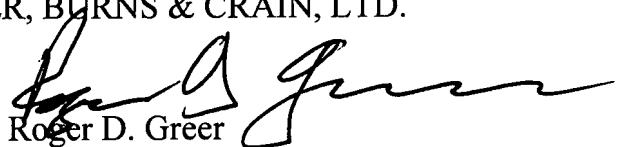
While the examiner fails to track the actual language of the claim 32, the examiner again attempts to use Clowers to teach the detent holding assembly carrying a pivotable saw blade adjustment detent, etc., which fails for the reasons that have been set forth above with regard to the Clowers anticipation rejection. That being the case, it is also believed that the rejection of claim 32 based upon the combination of Lewin and Clowers is also traversed.

Since the dependent claims necessarily include the features of the claims from which they depend, and in addition recite other features and/or functionality, it is believed that the pending dependent claims are in condition for allowance. For all of the foregoing reasons, applicants respectfully request such action. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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